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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR                      | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|---|---------------------|------------------|
| 10/670,222   | 09/26/2003  | Hemanus Gerhardus Jozef Lansink Rotgerink | 35909-TBD           | 6824             |
| 26694  | 7590        | 12/30/2004                                | EXAMINER            |                  |
| VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP<br>P.O. BOX 34385<br>WASHINGTON, DC 20043-9998 |             |   | NGUYEN, CAM N       |                  |
|  |             |   | ART UNIT            | PAPER NUMBER     |
|  |             |   | 1754                |                  |

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/670,222 | <b>Applicant(s)</b><br>LANSINK ROTGERINK ET AL. |  |
|                              | <b>Examiner</b><br>Cam N Nguyen      | <b>Art Unit</b><br>1754                         |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on October 08, 2004 (an RCE).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 9, 11, 12, 15, 16, 19, 20, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 4-7, 10, 13, 14, 17, 18 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after the final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on 10/08/04 has been entered.

2. Applicants' remarks and amendments, filed on October 08, 2004, have been carefully considered. Claims 1-7 have been amended. Claims 22-23 have been added.

Claims 1-23 are now pending in this application and under consideration.

### ***Claim Objections***

3. Claims 1, 19, 21, & 22 are objected to because of the following informalities:

A. In claim 1, lines 6-7, "a shaping step and a calcination step, which forms" should be deleted and replaced thereof with --shaping and calcining to form--.

B. In claim 19, line 2, "0,5" should be changed to --0.5--.

C. In claim 19, line 5, "the forming step, a forming step and calcining the formed material" should be deleted and replaced thereof with --the shaping step, shaping and calcining--.

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D. In claim 21, line 1, "The catalyst containing" should be changed to –A catalyst comprising--.

E. In claim 21, line 1, "-%" should be changed to --%--.

F. In claim 21, line 2, "accordint" should be changed to --according--.

G. In claim 22, line 1, --are-- should be inserted after "domains".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102(e)***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 8-9, 11-12, 15-16, 19-20, & 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Tacke et al., "hereinafter Tacke", (US Pat. 6,821,922 B1).

The applied reference has a common inventors with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

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inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Tacke discloses a catalyst support moldings, which is pyrogenically produced mixed oxide having a composition containing at least two members selected from the group consisting of  $\text{SiO}_2$ ,  $\text{Al}_2\text{O}_3$ ,  $\text{TiO}_2$  and  $\text{ZrO}_2$  in any desired combination but with the exception of  $\text{SiO}_2/\text{Al}_2\text{O}_3$  mixed oxides, in which  $> 75$  wt.% of  $\text{SiO}_2$  is present, and other constituents  $< 1$  wt.%, which is produced by homogenizing pyrogenically produced mixed oxide as desired with one or more compounds from the group methylcellulose, methylhydroxyethylcellulose, wax, magnesium stearate, aluminum stearate and/or polyethylene glycol with addition of water, subjecting the product to a kneading and shaping process, extruding it, optionally chopping the extrudates to the desired length by means of a chopping device, drying the product, etc., and performing heat treatment for a period of 0.5 to 10 hours at a temperature of  $400^\circ\text{C}$  to  $1200^\circ\text{C}$  (see col. 3, ln 1-27). The support moldings are impregnated with a solution containing palladium and gold to form a catalyst (see col. 5, ln 36-38). Example 2 shows a pyrogenic mixed oxide of  $\text{SiO}_2/\text{TiO}_2$  with 82 wt.%  $\text{SiO}_2$  and 18 wt.%  $\text{TiO}_2$ .

Tacke discloses the claimed catalyst support and its method of preparation, thus anticipates the claims.

***Allowable Subject Matter***

6. Claims 4-7, 10, 13-14, 17-18, & 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicants' amendment/response filed on October 08, 2004 has been fully reconsidered, but not deemed persuasive in view of the new ground of rejection above.

***Citations***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form prepared attached. All references are cited for related art.

***Conclusion***

9. Claims 1-23 are pending in the application. Claims 1-3, 8-9, 11-12, 15-16, 19-20, & 22-23 are rejected. Claims 4-7, 10, 13-14, 17-18, & 21 are objected. No claims are allowed.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Cam Nguyen, whose telephone

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number is (571) 272-1357. The examiner can normally be reached on M-F from 9:30 am. to 6:00 pm.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to telephone number (571) 272-1700.

Nguyen/cnn *cnn*

December 24, 2004

  
CAM N. NGUYEN  
PRIMARY EXAMINER

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